

RESOLUTION NO. 2004-181

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
CERTIFICATION OF THE FINAL PROGRAM ENVIRONMENTAL
IMPACT REPORT (EIR 03-02) FOR THE WHITE SLOUGH WATER
POLLUTION CONTROL FACILITY, AND FURTHER DIRECTING
STAFF TO MAKE APPLICATION TO THE SAN JOAQUIN LOCAL
AGENCY FORMATION COMMISSION TO DESIGNATE THE
SPHERE OF INFLUENCE

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WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing on August 11, 2004; and

WHEREAS, the City of Lodi Planning Commission, having reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR) for the White Slough Water Pollution Control Facility, adopted Resolution No. P.C. 04-39 at the August 11, 2004, public hearing, approving the EIR for certification; and

WHEREAS, notice thereof having been given according to law, an affidavit of which is on file in the office of the City Clerk, a public hearing was held September 1, 2004, by the Lodi City Council to consider the certification of the Final Program EIR for the White Slough Water Pollution Control Facility pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

1. The foregoing recitals are true and correct.
2. The Lodi City Council certifies that the Final EIR was completed in compliance with CEQA, that the Final EIR was presented to the Lodi City Council (the decision-making body of the City of Lodi), that the Lodi City Council has reviewed and considered the information contained in the Final EIR, that the Final EIR reflects the independent judgment and analysis of the Lodi City Council, and the Lodi City Council does hereby approve certification of the Final EIR for the White Slough Water Pollution Control Facility pursuant to the CEQA.
3. All mitigation measures as specified in the Final EIR and the accompanying Mitigation Monitoring Plan for the Final EIR are hereby approved, adopted, and incorporated into this Resolution.
4. The separate document entitled "Findings of Fact and Statement of Overriding Consideration for the City of Lodi White Slough Water Pollution Control Facility Sphere of Influence Program" is hereby approved, adopted, and attached to this Resolution, marked Exhibit A.
5. The Lodi City Council hereby approves, adopts, and incorporates herein the Mitigation Monitoring Program accompanying the Final EIR.

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes and directs staff to make application to the San Joaquin Local Agency Formation Commission to designate the Sphere of Influence discussed in the EIR.

Dated: September 1, 2004

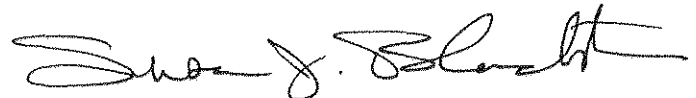
I hereby certify that Resolution No. 2004-181 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 1, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE CITY OF LODI
WHITE SLOUGH WATER POLLUTION CONTROL FACILITY SPHERE OF INFLUENCE PROGRAM**

1. INTRODUCTION AND BACKGROUND

This document provides the Findings of Facts and Statement of Overriding Considerations for the approval of the White Slough Water Pollution Control Facility (WPCF) Sphere of Influence Program (Project), as proposed by the City of Lodi (Lodi) and as described in the Draft EIR (DEIR) and Final EIR (FEIR) on the Project.

The DEIR and FEIR include a detailed description of the Project, an analysis of its potential environmental effects, and an analysis of the effects of alternatives to the Project. The Draft EIR was circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act (CEQA). Lodi received comments on the DEIR and provided responses to comments, which are contained in the FEIR.

2. PROJECT DESCRIPTION AND OBJECTIVES

Lodi is proposing a 5,280 acre (includes the 1,040 acres of the existing WPCF) Sphere of Influence around the White Slough WPCF to assure that sufficient area for future construction of land disposal, storage facilities, and buffer space are available to serve the long-term future growth under the existing General Plan of the City of Lodi. The proposed White Slough WPCF Sphere of Influence is intended to provide guidance to the San Joaquin County LAFCO for individual proposals involving the City of Lodi and surrounding area special district's jurisdictional changes.

The proposed White Slough WPCF Sphere of Influence program has been designed to meet the following primary objectives:

- Assure that sufficient area for future construction of land disposal and storage facilities are available to serve the long-term future growth of the City of Lodi [the City's 1990 General Plan build out flow is estimated to be approximately 11.6 million gallons per day (MGD)].
- Provide guidance to the San Joaquin County LAFCO for individual proposals involving the City of Lodi and surrounding area special district's jurisdictional changes.

- Encourage efficient provisions of community services and prevent duplication of service delivery.
- Avoid potential future land use conflicts associated with wastewater treatment facilities.
- Increase local control and accountability over decisions affecting the community and its future viability.

3. RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth herein, the record of proceedings for Lodi's decision on the Project approval includes the following:

- The Notice of Preparation (NOP) of the DEIR for the Project;
- Any responses to the NOP;
- Other public notices in conjunction with the Project;
- The DEIR for the Project;
- Any comments submitted by the public, other agencies, or other persons during the public comment period on the DEIR;
- The FEIR for the Project;
- The Mitigation Monitoring Program for the Project;
- All findings and resolutions adopted by Lodi in connection with the Project;
- Any reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by Lodi, with respect to Lodi's compliance with the requirements of CEQA and with respect to Lodi's action on the Project;
- Any minutes and/or transcripts of public meetings held by Lodi in connection with the Project;
- Matters of common knowledge to Lodi, including, but not limited to federal, state, and local laws and regulations;
- Any materials described in Public Resources Code section 21167.6(e).

The custodian of the documents is Konradt Bartlam, Community Development Director, City of Lodi.

4. FINDINGS UNDER CEQA

Under CEQA, for each significant environmental effect identified in an EIR for a proposed project, the approving agency is to issue a written finding reaching one or more of following three allowable conclusions. The first allowable finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment" (Public Resources Code (PRC), § 21081, subd. [a]). The second allowable finding is that "[t]hose changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency" (PRC, § 21081, subd. (b)). The third allowable conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, made infeasible the mitigation measures or alternatives identified in the environmental impact report" (PRC, § 21081, subd. [c]). CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), [3]). Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ["Goleta II"] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].).

In cases in which significant impacts are not avoided or substantially lessened, the agency, after adopting the findings, may approve the project if it adopts a statement of overriding considerations setting forth the reasons why the agency found that the project's benefits are rendered acceptable despite its unavoidable adverse environmental effects. (CEQA Guidelines, §§ 15093, 15043, subd. [b]). The California Supreme Court has stated that, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents Lodi's findings under CEQA, relies on substantial evidence in the record in support of each of these findings, and presents an explanation to supply the logical step between the finding and the facts in the record. (CEQA Guidelines, § 15091.).

5. EFFECTS OF FINDINGS

To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, Lodi hereby commits to implementing these measures. These findings, in other words, are not merely informational, but rather constitute a set of obligations that will come into effect when Lodi approves the Project.

6. **MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring Program (MMP) has been prepared for the Project, as provided by Public Resources Code (PRC) section 21081.6. Lodi will use the MMP to track compliance with adopted mitigation measures. Lodi will consider the MMP during its certification of the FEIR.

7. **SIGNIFICANT EFFECTS, MITIGATION MEASURES, AND FINDINGS**

The EIR identified the following significant or potentially significant impacts. For some impacts, mitigation measures are available to reduce the impact to a level of insignificance. However, other impacts remain significant and unavoidable. For these impacts, a rationale is provided explaining why the impact cannot be avoided, and a Statement of Overriding Considerations is adopted.

4.1 **Land Use/Agricultural Resources.**

4.1.1 **Impact**

- 4.1.1 **Buildout of the proposed WPCF Sphere of Influence would be inconsistent with some provisions of the City of Lodi General Plan, the San Joaquin County General Plan, the San Joaquin County Lodi Community Plan, and provisions of the Cortese-Knox-Hertzberg Act.**

Significance

Significant

Mitigation Measures

- 4.1.1a **Implement conditions of the San Joaquin County Local Agency Formation Commission and Cortese-Knox-Hertzberg Act guidelines and standards regarding the protection of agricultural lands on future WPCF Sphere of Influence buildout projects.**
- 4.1.1b **To the extent possible, future reuse wetlands, storage ponds, and/or percolation basins shall not be located on lands that are designated as Prime Farmland, Unique Farmland, or Farmlands of Local Significance, and shall avoid converting any Williamson Contract lands. Future project applicants shall consult with the California Department of Conservation regarding Williamson Act Contract termination.**

With Mitigation the Effects are found to be:

☒ Significant ☐ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☐ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☒ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

The proposed program would meet City of Lodi General Plan Land Use and Growth Management policies that require that the City maintain ample buffers between incompatible land uses. The proposed White Slough WPCF Sphere of Influence was designed to maximize the benefits of an appropriate urban-open space interface, thus preserving open space areas amidst development and includes a WPCF odor buffer, mosquito buffer, a buffer to protect sensitive receptors, and a buffer to reduce noxious weed growth. The proposed program would also include provisions to provide adequate land for development of public uses to support existing and new residential, commercial, and industrial land uses; and would provide for the maintenance of an adequate level of service in the City's sewer collection and disposal system to meet the needs of existing and projected development (City of Lodi 1991a). The proposed program is somewhat inconsistent, however, with City of Lodi General Plan policies to minimize conflicts with adjacent agricultural uses. The proposed sphere limits are located almost entirely on agricultural land, of which most is designated as Prime and Unique Farmland (San Joaquin County 2003). Some of the Prime and Unique Farmlands included in the proposed Sphere of Influence are currently under the protection of the Williamson Act (CDFA 2003). It should be noted that most of the existing farmland could be used for land application of wastewater and would not require a conversion to non-agricultural uses. However, depending on the final method used for wastewater storage and disposal, agriculturally-designated lands could be required for reuse wetlands, storage ponds, and/or percolation basins. The CDFA indicated that the conversion of farmlands is particularly pertinent to this program, as the program has the potential to remove a barrier to further urban growth onto important farmlands. It should be noted that the proposed Sphere of Influence Planning Designation would also allow for the retention of row and field crops and fallow fields and would prevent land conversion of important farmlands to residential and other urban lands. Consistent with the San Joaquin County Habitat Conservation Plan, the CDFA recommended that the use of compensatory and strategically located agricultural land conservation easements be considered, as well as the provisions detailed in the San Joaquin County Habitat Conservation Plan (CDFA 2003). Additionally, the CDFA recommended consultation with the CDC regarding Williamson Act Contract termination, and the development of appropriate mitigation strategies.

The proposed program meets San Joaquin County General Plan Management Housing Element policies, as the proposed Sphere of Influence was designed to maximize the benefits of an appropriate urban-open space interface and would include buffers to compatibly integrate into the neighborhoods it could ultimately serve. The proposed program is somewhat inconsistent however, with San Joaquin County General Plan policies to provide for the protection of agricultural lands needed for the continuation of commercial agricultural enterprises, small-scale farming operations, and the preservation of open-space; recognition of agricultural lands that contain concentrations of small-scale agricultural operations and dwellings; and to minimize the impact on agriculture in the transition of agricultural areas to urban development. As previously stated, the proposed program would be located almost entirely on agricultural land, of which most is designated as Prime and Unique Farmland. However, most of the existing farmland could be used for land application of wastewater and would not require a conversion to non-agricultural uses. Under the Community Organization and Development Pattern Growth Accommodation Element of the General Plan, Objective 3 provides for the minimization of the effect of growth on agricultural lands and other environmental resources, while providing for orderly growth (San Joaquin County 1992a). The proposed program does, to some extent, minimize effects of growth on agricultural land as existing farmland could be used for land application of wastewater and would not require a conversion to non-agricultural uses. However, agriculturally-designated land could be required for reuse wetlands, storage ponds, and/or percolation basins, which would convert agriculturally-designated land.

The proposed program is somewhat inconsistent with a portion of the San Joaquin County Lodi Community Plan as it could impact agricultural lands between Eight Mile Road in Stockton and Harney Lane in Lodi (San Joaquin County 1992b) and eliminate a portion of the open space between these communities that helps to define the edges of each City and provides both visual relief and a sense of identity for each community (San Joaquin County 1992b). If any of these lands were used for future storage ponds and/or percolation basins, it would convert agricultural uses and eliminate a portion of the open space buffer between Lodi and Stockton.

The proposed program is consistent with most of the policy elements of the Cortese-Knox-Hertzberg Act and would promote planned, orderly and efficient development as per Section 56377 of the Cortese-Knox-Hertzberg Act. However, the proposed program may not guide development away from prime agricultural lands uses if reuse wetlands, storage ponds, and/or percolation basins were located on lands designated as such.

The proposed program is consistent with San Joaquin County LAFCO criteria and guidelines.

In summary, the proposed program is inconsistent with some provisions of the City of Lodi General Plan, the San Joaquin County General Plan, the San Joaquin County Lodi Community Plan, and the Cortese-Knox-Hertzberg Act.

With no mitigation available beyond following the guidelines and policies of the San Joaquin County LAFCO, provisions of the Cortese-Knox-Hertzberg Act as closely as possible and implementation of Mitigation Measure 4.1.1b, this impact is considered **significant and unavoidable** after mitigation.

4.1.3 Impact

4.1.3 Buildout of the proposed WPCF Sphere of Influence could result in potential land use conflicts with property owners within the proposed Sphere of Influence limits and could require the acquisition of private lands.

Significance

Potentially Significant

Mitigation Measures

4.1.3 Upon Sphere of Influence buildout, provide appropriate compensation to property owners as necessary, in compliance with federal and state law.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.1.4 Impact

4.1.4 The proposed WPCF Sphere of Influence includes agriculturally-designated lands, including property under Williamson Act Contracts.

Significance

Significant

Mitigation Measures

4.1.4 Implement Mitigation Measures 4.1.1a and 4.1.1b on future WPCF Sphere of Influence buildout projects.

With Mitigation the Effects are found to be:

☒ Significant ☐ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☐ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☒ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

As discussed under Land Use/Agricultural Resources Impact 4.1.1, the proposed program area would be almost entirely comprised of agricultural land, of which most is designated as Prime and Unique Farmland (San Joaquin County 2003). Some of the Prime and Unique Farmlands included in the proposed Sphere of Influence are currently under the protection of the Williamson Act (CDFA 2003). As also previously discussed under Land Use/Agricultural Resources Impact 4.1.1, Sphere of Influence buildout would be inconsistent with some of the policies and guidelines of the City of Lodi General Plan, the San Joaquin County General Plan, the San Joaquin County Lodi Community Plan, and the Cortese-Knox-Hertzberg Act, as it could potentially include reuse wetlands, storage ponds, and/or percolation basins on agricultural lands.

Based on the City of Lodi General Plan EIR, Chapter 4, the development of agricultural lands to urban land uses under the General Plan would allow for conversion of approximately 1,550 acres of prime agricultural land. The General Plan EIR identified that implementation of planned growth under the General Plan would result in a significant and unavoidable impact to agricultural lands (City of Lodi

1990). The San Joaquin County General Plan EIR indicates that about 32,280 acres of prime farmland would be removed from the County to accommodate future residential and employment growth. Similar to the City of Lodi General Plan, implementation of planned growth under the County General Plan would also result in significant and unavoidable impacts to agricultural land (San Joaquin County 1992c). Therefore, the conversion of agricultural land associated with future buildout of the proposed Sphere of Influence would be consistent with growth accommodating findings of both General Plan documents.

As previously discussed under Land Use/Agricultural Resources Impact 4.1.1, the CDFA indicated that the conversion of farmlands is particularly pertinent to this program, as the program has the potential to remove a barrier to further urban growth onto important farmlands (CDFA 2003). It should be noted that the proposed Sphere of Influence Planning Designation would also allow for the retention of row and field crops and fallow fields and would prevent land conversion of important farmlands to residential and other urban lands. This is considered a beneficial impact.

Reconfiguring the proposed Sphere of Influence would not eliminate the future impact on agriculturally-designated lands, as most of the lands in the vicinity of the WPCF are agriculturally-designated lands and include property under Williamson Act Contracts. This impact to agriculturally-designated lands, including property under Williamson Act Contract, is considered significant.

Although it is not possible to provide for wastewater storage and disposal facilities for City of Lodi General Plan buildout flow conditions without including agriculturally-designated lands, this impact is still considered **significant and unavoidable** after mitigation.

4.1.5 Impact

- 4.1.5 Buildout of the proposed WPCF Sphere of Influence could result in the future conversion of agriculturally-designated lands, adding to the loss of important farmland in San Joaquin County. Loss of production from these lands could have an adverse effect on the overall agricultural economy.**

Mitigation Measures

- 4.1.5a Implement Mitigation Measures 4.1.1a and 4.1.1b on future WPCF Sphere of Influence buildout projects.**
- 4.1.5b Implement the use of Agriculture-Urban Reserve Zones and the use of San Joaquin County guidelines for the conversion of agricultural land on future WPCF Sphere of Influence buildout projects.**

With Mitigation the Effects are found to be:

☒ Significant ☐ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☐ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☒ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

As previously described under Land Use/Agricultural Resources Impacts 4.1.1 and 4.1.4, buildout of the proposed WPCF Sphere of Influence could result in the loss of farmland. The proposed program would be located almost entirely on agricultural land, of which most is designated as Prime and Unique Farmland (San Joaquin County 2003). Some of the Prime and Unique Farmlands included in the proposed Sphere of Influence are currently under the protection of the Williamson Act (CDFA 2003). Most of the existing farmland could be used for land application of wastewater and would not require a conversion to non-agricultural uses. This is considered a beneficial impact of the proposed program. However, depending on the final method used for wastewater storage and disposal, agriculturally-designated land could be required for reuse wetlands, storage ponds, and/or percolation basins.

Based on the City of Lodi General Plan EIR, Chapter 4, the development of agricultural lands to urban land uses under the General Plan would allow for conversion of approximately 1,550 acres of prime agricultural land. The San Joaquin County General Plan EIR indicates that about 32,280 acres of prime farmland would be removed from the County to accommodate future residential and employment growth. Therefore, the conversion of agricultural land associated with future buildout of the proposed Sphere of Influence would be consistent with growth accommodating findings of both General Plan documents. However, this conversion would be in addition to anticipated farmland conversions associated with urban growth of the City of Lodi, the City of Stockton, and San Joaquin County in general. It should be noted that the potential future use of percolation basins is rural in nature and does not preclude sites from being used as farmland in the future. This would be considered a significant cumulative impact.

Under the Community Organization and Development Pattern Growth Accommodation Element of the San Joaquin County General Plan, the minimization of the effect of growth on agricultural lands and other environmental resources, while providing for orderly growth is provided for. Potential cumulative impacts on important farmland in the County would be minimized through the use of Agriculture-Urban Reserve Zones and the use of guidelines for the conversion of agricultural land.

Although it would not be possible to provide for wastewater storage and disposal facilities for City of Lodi General Plan buildout flow conditions without including agriculturally-designated lands, this impact is still considered **cumulatively significant and unavoidable** after mitigation.

4.2 Geology, Soils and Seismicity.

4.2.1 Impact

- 4.2.1 Construction of facilities associated with buildout of the proposed WPCF Sphere of Influence on soils with building constraints could impair the function of the facilities and/or create hazards.**

Significance

Potentially Significant

Mitigation Measures

- 4.2.1 Prior to final design and construction of facilities associated with buildout of the proposed WPCF Sphere of Influence, the City shall conduct a detailed soils/geotechnical study. Recommendations from this study shall be incorporated into the final design and construction for the project according to accepted engineering practices.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).

- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.2.2 Impact

- 4.2.2 Construction of facilities associated with buildout of the proposed WPCF Sphere of Influence could temporarily expose soils to wind and water erosion within the proposed program area.**

Significance

Potentially Significant

Mitigation Measures

- 4.2.2 Potential future WPCF projects that occur within the proposed Sphere of Influence shall obtain a Notice of Intent and comply with the Central Valley Regional Water Quality Control Board's General Permit for Storm Water Discharges associated with Construction Activities.**

With Mitigation the Effects are found to be:

- ☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.7 Hydrology and Water Quality.

4.7.2 Impact

- 4.7.2 Facilities associated with buildout of the proposed WPCF Sphere of Influence could result in flooding impacts.**

Significance

Potentially Significant

Mitigation Measures

- 4.7.2 Potential future WPCF projects that occur within the proposed Sphere of Influence shall obtain all necessary approvals from the Central Valley Regional Water Quality Control Board and the issued Waste Discharge Requirements, the Army Corps of Engineers, Federal Emergency Management Agency, and San Joaquin County regarding flooding impacts.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.7.3 Impact

- 4.7.3 Facilities associated with buildout of the proposed WPCF Sphere of Influence could result in impacts to groundwater.**

Significance

Potentially Significant

Mitigation Measures

- 4.7.3a Potential future WPCF projects that occur within the proposed Sphere of Influence shall be located such that potential groundwater impacts are avoided to the extent possible.**

4.7.3b The City shall comply with the Central Valley Regional Water Quality Control Boards anti-degradation policy with respect to groundwater. Such requirements may include design criteria to maintain separation of wetland and storage pond bottoms from groundwater, testing of wastewater prior to land application to ensure that regulatory standards for reclaimed water are met, monitoring wells, and/or a groundwater monitoring program.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.7.4 Impact

4.7.4 Construction of facilities associated with buildout of the proposed WPCF Sphere of Influence could result in impacts to surface water quality.

Significance

Potentially Significant

Mitigation Measures

4.7.4 Implement Mitigation Measure 4.2.2 on future WPCF Sphere of Influence buildout projects.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.7.5 Impact

4.7.5 From a regional standpoint, cumulative development in the City of Lodi and San Joaquin County could expose people and structures to hazards associated with local and regional flooding.

Significance

Potentially Significant

Mitigation Measures

4.7.5 Implement Mitigation Measure 4.7.2 on future WPCF Sphere of Influence buildout projects.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.7.6 Impact

- 4.7.6 From a regional perspective, cumulative development in the City of Lodi, the City of Stockton, and San Joaquin County could increase the potential for surface and groundwater degradation.

Significance

Potentially Significant

Mitigation Measures

4.7.6a Potential future WPCF projects that occur within the proposed Sphere of Influence shall obtain all necessary Waste Discharge Requirements from the Central Valley Regional Water Quality Control Board.

4.7.6b Implement Mitigation Measures 4.7.3a and 4.7.3b on future WPCF Sphere of Influence buildout projects.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.8 Air Quality.

4.8.2 Impact

4.8.2 Construction of facilities associated with buildout of the proposed WPCF Sphere of Influence could generate short-term emissions from construction activities.

Significance

Significant

Mitigation Measures

4.8.2a Potential future WPCF projects that occur within the proposed Sphere of Influence shall coordinate with the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) regarding the Authority to Construct and a Permit to Operate.

4.8.2b Potential future WPCF projects that occur within the proposed Sphere of Influence shall be required to reduce particulate emissions by complying with the SJVUAPCD's District Regulation VIII (Fugitive Dust Prohibitions), including implementation of control strategies detailed under Rule 8020 (Construction, Demolition, Excavation & Extraction Activities), 8030 (Handling and Storage of Bulk Materials), and 8060 (Paved and Unpaved Roads).

4.8.2c Potential future WPCF projects that occur within the proposed Sphere of Influence shall properly maintain equipment to reduce NOx levels.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.8.3 Impact

4.8.3 Construction of facilities associated with buildout of the proposed WPCF Sphere of Influence could generate objectionable odors in the program vicinity.

Significance

Potentially Significant

Mitigation Measures

- 4.8.3 Potential future WPCF projects that occur within the proposed Sphere of Influence shall include an odor buffer of approximately 500 feet to protect development in the proximity of the White Slough WPCF from odor impacts.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.8.4 Impact

- 4.8.4 Buildout of the proposed WPCF Sphere of Influence would accommodate increased growth associated with the buildout of the City of Lodi General Plan, resulting in increased urban development and a continuing pattern of urbanization in the San Joaquin Valley Air Basin. The overall cumulative effect of new development throughout the air basin would slow the rate of improvement and/or require enactment of more stringent control measures throughout the basin.**

Significance

Significant

Mitigation Measures

- 4.8.4 Implement the City of Lodi General Plan air quality policies, the San Joaquin Valley Unified Air Pollution Control policies, the 1994 Ozone**

Attainment Demonstration Plan and Amended 2002 and 2005 Rate of Progress Plan, and the California Clean Air Act Triennial Progress Report and Plan on future WPCF Sphere of Influence buildout projects.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.9 Hazardous Materials/Health Risks.

4.9.3 Impact

- 4.9.3 The potential future land application of wastewater within the proposed WPCF Sphere of Influence limits could involve the growing of crops that are irrigated with treated wastewater, which creates a concern that the public could be exposed to health threats associated with the treated effluent.**

Significance

Potentially Significant

Mitigation Measures

- 4.9.3 Potential future WPCF projects that occur within the proposed Sphere of Influence shall obtain all necessary approvals from the Department of Health Services and the Central Valley Regional Water Quality Control Board, in accordance with Section 60323 of the Water Recycling Criteria, Article 7, Chapter 3, Division 4, Title 22, California Code of Regulations.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a]).
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.9.4 Impact

4.9.4 Facilities associated with buildout of the proposed WPCF Sphere of Influence could expose program area residents to discomfort, nuisances, and potential adverse health-related effects by exposing them to mosquitoes, which can carry serious human illnesses.

Significance

Potentially Significant

Mitigation Measures

4.9.4 Potential future WPCF projects that occur within the proposed Sphere of Influence shall include a buffer zone around mosquito-breeding habitat to address health-related effects associated with mosquitoes.

With Mitigation the Effects are found to be:

- ☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a]).
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).

- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.9.5 Impact

4.9.5 Facilities associated with buildout of the proposed WPCF Sphere of Influence could interfere with designated aircraft flight patterns at the Kingdon Drag Strip and the Lodi Air Park as a result of migratory birds.

Significance

Potentially Significant

Mitigation Measures

4.9.5 Potential future WPCF projects that occur within the proposed Sphere of Influence shall include a separation distance between airport facilities and any open water that provides habitat for migratory birds.

With Mitigation the Effects are found to be:

- ☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.10 Biological Resources.

4.10.5 Impact

4.10.5 Facilities associated with buildout of the proposed WPCF Sphere of Influence could result in the loss of wetlands.

Significance

Potentially Significant

Mitigation Measures

- 4.10.5a As a condition of issuance of a grading permit associated with potential future WPCF projects that occur within the proposed Sphere of Influence, the City of Lodi shall require avoidance of sensitive biological resources, including wetlands and "waters of the U.S." (see Figure 4.10-1). If full avoidance of sensitive resources is not possible, the City of Lodi shall design the project to minimize impacts on sensitive biological resources.
- 4.10.5b For potential future WPCF projects that occur within the proposed Sphere of Influence that result in unavoidable impacts to wetlands and "waters of the U.S.," the City of Lodi shall obtain and comply with the following permits prior to issuance of the grading permit: a Section 401 water quality certification or waiver from the Central Valley Regional Water Quality Control Board; a Section 404 wetland permit from the Army Corps of Engineers; and a Section 1601 Streambed Alteration Agreement from the California Department of Fish and Game.

The above permits are likely to contain stipulations that require the City to complete some or all of the following:

- Minimization of impacts to sensitive biological resources;
- Construction-related avoidance and protection of onsite sensitive biological resources (i.e. construction worker training, installation of protective signage and fencing, onsite monitoring, designation of construction sites and access roads near sensitive resources);
- On- or offsite compensation for unavoidable impacts to sensitive biological resources. Typical compensatory mitigation requirements would include two to three acres of preserved and restored habitats for each acre of impacted habitat. There is a fortuitous compatibility of onsite habitat preservation and restoration opportunities associated with the CDFG preserve area. In addition, the San Joaquin Council of Governments (SJCOC, Inc.) is implementing a Habitat and Open Space Conservation Program that could complete offsite habitat restoration and preservation on behalf of the City of Lodi.

Final compensatory mitigation requirements for future WPCF project associated with proposed Sphere of Influence buildout would be developed as conditions of the permits referred to above. In the event of unavoidable impacts on sensitive biological resources, the City of Lodi shall contact the individual regulatory agencies for more details regarding final compensatory mitigation requirements for the project. The City shall comply with stipulations included in permits required for the proposed project.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.10.6 Impact

4.10.6 Facilities associated with buildout of the proposed WPCF Sphere of Influence could reduce or eliminate special-status plant or wildlife species.

Significance

Potentially Significant

Mitigation Measures

- 4.10.6a The City of Lodi shall complete detailed special-status species surveys of facility expansion sites, once these sites under proposed Sphere of Influence buildout are determined. Where special-status species are found to be present, the City shall avoid the species and their habitats through re-design to the extent feasible. Where full avoidance of a special-status species and its habitat is not possible, the City of Lodi shall redesign the project to minimize impacts.

4.10.6b

For unavoidable impacts to listed special-status species associated with future WPCF projects that occur within the proposed Sphere of Influence, the City of Lodi shall obtain and comply with the following permits prior to issuance of the grading permit: an Incidental Take permit from the California Department of Fish and Game for impacts to state listed species; and a Section 7 or 10 biological opinion or incidental take permit from the United States Fish and Wildlife Service for impacts to federally listed species or their habitats.

The above permits are likely to contain stipulations that require the City to complete some or all of the following:

- Minimization of impacts to special-status plant and wildlife species;
- Construction-related avoidance and protection of onsite special-status plant and wildlife species (i.e. construction worker training, restrictions on the timing and duration of construction activities, installation of protective signage and fencing, onsite monitoring, designation of construction sites and access roads near sensitive resources);
- On- or offsite compensation for unavoidable impacts to special-status plant and wildlife species. Typical compensatory mitigation requirements would require the City to passively or actively relocate some species, create or enhance habitat for the species, or preserve and restore on- or offsite habitat for the species. There is a fortuitous compatibility of onsite special-status species preservation and restoration opportunities associated with the California Department of Fish and Game preserve area. In addition, the San Joaquin Council of Governments, Inc. is implementing a Habitat and Open Space Conservation Program that could conduct offsite special-status species habitat restoration and preservation on behalf of the City of Lodi.

Final compensatory mitigation requirements for future WPCF project associated with proposed Sphere of Influence buildout would be developed as conditions of the permits referred to above. In the event of unavoidable impacts on special-status species, the City of Lodi shall contact the individual regulatory agencies for more details regarding final compensatory mitigation requirements for the project.

For unavoidable impacts to non-listed special-status species, the City of Lodi shall consult with the appropriate resource agency (i.e., CDFG or USFWS) concerning recommended mitigation to compensate for species impacts. Mitigation may include restrictions on the timing

and duration of construction activities, onsite monitoring, the implementation of construction best management practices, etc.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.10.7 Impact

4.10.7 Facilities associated with buildout of the proposed WPCF Sphere of Influence could disturb nesting raptors and other migratory birds.

Significance

Potentially Significant

Mitigation Measures

- 4.10.7a The City of Lodi shall require nesting bird surveys of facility expansion sites, once these sites are determined under future Sphere of Influence buildout projects. Where bird nests are found to be present, the City shall require the contractor to conduct construction activities outside the bird nesting season (typically January 15 through August 15 of each year).
- 4.10.7b If construction activities cannot be completed within the specified non-breeding season of August 16th to January 14th of each year, the City of Lodi shall contact the California Department of Fish and Game to develop measures to avoid or minimize disturbance to the nests. The California Department of Fish and Game may also require the City to enter into a Memorandum of Understanding or

Management Agreement to reduce and potentially offset impacts to nesting raptors.

At a minimum the City shall conduct the following when nesting raptors are in close proximity to a future Sphere of Influence buildout project site:

- **Conduct a nesting raptor survey to identify active raptor nests.**
- **Establish a buffer area around active raptor nests (typically ¼ mile, but can be reduced through negotiations with CDFG);**
- **Prohibit contractor from conducting work within the buffer area until young in nest are fledged.**
- **Allow contractor to remove tree in its entirety only after young have fledged (as verified by CDFG and/or a qualified biologist).**
- **Restore lost native trees by requiring onsite re-planting of the same species at a minimum ratio of three seedlings for each nest tree eliminated.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

Impact 4.10.8

4.10.8 Facilities associated with buildout of the proposed WPCF Sphere of Influence could eliminate or degrade riparian habitats or native trees.

Significance

Potentially Significant

Mitigation Measures

4.10.8 To offset the incremental effect of loss of native trees and loss or degradation of riparian woodland habitat associated with future projects under proposed Sphere of Influence buildout, the City of Lodi shall conduct a tree survey to identify locations of native trees near planned facilities and shall conduct some or all of the following:

- **Avoid impacts to native trees.**
- **Where avoidance is not possible, minimize habitat fragmentation and individual tree loss through a combination of project design and construction-related avoidance of native trees. Construction-related avoidance and protection of trees would include the installation of protective signage and fencing to designate construction sites and access roads near native trees to be retained;**
- **Conduct onsite compensatory plantings of native trees to offset the loss of native trees and riparian habitats. Typical compensatory mitigation requirements would include planting a minimum of three trees of the same species as that eliminated. Riparian plantings shall be made adjacent to existing riparian habitats to establish larger riparian habitat areas. There is a fortuitous compatibility of onsite habitat preservation and restoration opportunities associated with the California Department of Fish and Game preserve area. The City of Lodi shall contact the California Department of Fish and Game for recommendations for final native tree compensation approaches.**

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.11 Cultural Resources.

4.11.1 Impact

4.11.1 Buildout of the proposed WPCF Sphere of Influence could impact standing structures with potential historical significance.

Significance

Potentially Significant

Mitigation Measures

4.11.1 Site-specific archival research and architectural field surveys would be required prior to undertaking any future projects within the WPCF Sphere of Influence that could impact the potential historical significance of standing structures within the program area.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

4.11.2 Impact

4.11.2 Ground-disturbing actions associated with future buildout of the proposed WPCF Sphere of Influence could result in the accidental destruction of previously undiscovered archaeological or historical resources, or could result in the uncovering of Native American human remains.

Significance

Potentially Significant

Mitigation Measures

- 4.11.2a Site-specific archival research, archaeological surveys, and consultation with the Native American Heritage Commission and designated Native American representatives shall be required prior to undertaking any ground disturbing projects within the Sphere of Influence in the future.
- 4.11.2b Contractors and construction personnel involved in any form of ground disturbance (i.e., trenching, grading, etc.) shall be advised of the possibility of encountering subsurface cultural resources or human remains. If such resources are encountered or suspected, work within 100 feet of the discovery shall be halted immediately and the City of Lodi Community Development Department shall be notified. In accordance with CCR Section 15064 (f) and PRC Section 21083.2(i), a qualified professional archaeologist shall be consulted, who shall assess any discoveries and develop appropriate management recommendations for treatment of the resource.
- 4.11.2c If bone is encountered and appears to be human, California Law requires that potentially destructive construction work is halted and the San Joaquin County Coroner is contacted. If the Coroner determines the human remains are of Native American origin, the Coroner must contact the Native American Heritage Commission. The Native American Heritage Commission will attempt to identify the most likely descendant(s), and recommendations will be developed for the proper treatment and disposition of the remains in accordance with CCR Section 15064.5(e) and PRC Section 5097.98. A note to this effect shall be included on all construction plans and specifications.

With Mitigation the Effects are found to be:

☐ Significant ☒ Not Significant

Finding(s) per Public Resources Code, Section 21081:

- ☒ Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])
- ☐ Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC, § 21081, subd. [b]).
- ☐ Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC, § 21081, subd. [c]).

8. PROJECT ALTERNATIVES

Because the project will potentially cause significant environmental effects, as outlined above, Lodi considers the feasibility of any environmentally superior alternatives to the Project, as proposed. Pursuant to CEQA Guideline section 15126.6(e), Lodi is to consider among the alternatives to the Project a "No Project" alternative. Lodi evaluates whether one or more of these alternatives could avoid or substantially lessen the project's unavoidable significant environmental effects. (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 443-445 [243 Cal.Rptr. 727]; see also Public Resources Code, § 21002.).

The EIR examines the following two alternatives to the proposed project to determine whether these alternatives could meet the project's objectives, while avoiding or substantially lessening its significant impacts.

- Alternative 1: Reduced Acreage Alternative (4,240 Acres).
- Alternative 2: No Project Alternative.

8.1 Reduced Acreage Alternative (4,240 Acres)

The Reduced Acreage Alternative was developed in response to the California Department of Food and Agriculture (CDFA) letter on the proposed program NOP requesting that a reduced acreage alternative be developed to address future potential impacts on agricultural lands (See **Appendix A** to DEIR, CDFA letter)(CDFA 2003). The Reduced Acreage Alternative of 4,240 acres would allow for all of the wastewater storage and disposal methods described under the three Land Disposal and Storage Options, however this alternative would not include any land buffer areas. Acreage is included in the Reduced Acreage Alternative such that property lines would not be split.

Chapter 5 of the DEIR provides a discussion of the Reduced Acreage Alternative, which discussion is incorporated herein by reference. As discussed in Chapter 5, the Reduced Acreage Alternative would result in similar impacts under buildout as the proposed Sphere of Influence program. The Reduced Acreage Alternative would however eliminate the surrounding agricultural land buffers, which could potentially result in the loss of more farmland, including Prime and Unique Farmlands and lands currently under the protection of the Williamson Act, than the proposed program. The agricultural buffers proposed under the proposed program would ensure that existing farmland would be retained in farmland. This would not occur under the Reduced Acreage Alternative. The Reduced Acreage Alternative would also result in greater land use impacts, air quality impacts, and health risks than the proposed program, as it would not include the urban-open space interface including an odor buffer, a mosquito buffer, protection of sensitive receptors, and a reduction in noxious weed growth. The Reduced Acreage Alternative would also not result in as much beneficial habitat retention for common wildlife species and special-status species as the proposed program. For these reasons, and those further discussed in the EIR, the Reduced Acreage Alternative is rejected.

8.2 No Project Alternative

Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The purpose of evaluating this alternative is to determine the impacts that could occur without implementation of the proposed program.

Under the No Project Alternative, sufficient area for future construction of land disposal and storage areas to serve the long-term future growth of the City of Lodi (the buildout flow is estimated to be approximately 11.6 MGD per the 1990 City of Lodi General Plan) would not be provided for within a Sphere of Influence. It should be noted, however, that additional lands may still be needed for future land disposal and storage areas if Sphere of Influence lands were not made available. Under the No Project Alternative, the San Joaquin County LAFCO could lack guidance for individual proposals involving the City of Lodi and surrounding area special district's jurisdictional changes. The potential for future land use conflicts associated with wastewater facilities could also occur if the WPCF Sphere of Influence is not created.

Chapter 5 of the DEIR provides a discussion of the No Project Alternative, which discussion is incorporated herein by reference. As discussed in Chapter 5, under the No Project Alternative, a Sphere of Influence would not be created for future wastewater land disposal and storage needs, however lands may still be required for future land disposal and storage needs under the City of Lodi General Plan buildout. The No Project Alternative would not include the surrounding agricultural land buffers as proposed under the proposed program, which could potentially result in the loss of more farmland than the proposed program. The No Project Alternative could also result in a greater impact to wastewater services due to inadequate land disposal area to ultimately serve future growth discussed in the City of Lodi General Plan. The No Project Alternative would not assist in considering making lands available to comply with future Water Discharge Requirements issued by the Central Valley Regional Water Quality Control Board and would fail to develop a coordinated approach to planning for the future infrastructure needed to adequately store and dispose of wastewater in the City of Lodi. The No Project Alternative would result in greater land use impacts, public service and utility impacts, hydrology and water quality impacts, air quality impacts, and health risks over the proposed program. As the No Project Alternative would not create a Sphere of Influence planning designation and would not eliminate the possibility of land conversion to residential and other uses within the planning area, the beneficial impact on biological resources cannot be considered. Additionally, the No Project Alternative fails to specifically meet the identified program objectives. For these reasons, and those further discussed in the EIR, the No Project Alternative is rejected.

9. STATEMENT OF OVERRIDING CONSIDERATIONS

When a project results in significant unavoidable adverse environmental effects, CEQA provides that the decision making body of the lead agency is to balance the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the agency finds that the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered acceptable. CEQA provides that the lead agency state in writing the

reasons supporting the Project approval, despite its impacts, by way of a statement of overriding considerations. (See PRC § 21081(b); CEQA Guideline § 15093).

The Proposed Project would have the following significant unavoidable impact:

Significant and Unavoidable Impacts

Land Use/Agricultural

- 4.1.1 Buildout of the proposed WPCF Sphere of Influence would be inconsistent with some provisions of the City of Lodi General Plan, the San Joaquin County General Plan, the San Joaquin County Lodi Community Plan, and provisions of the Cortese-Knox-Hertzberg Act.**
- 4.1.4 The proposed WPCF Sphere of Influence includes agriculturally-designated lands, including property under Williamson Act Contracts.**
- 4.1.5 Buildout of the proposed WPCF Sphere of Influence could result in the future conversion of agriculturally-designated lands, adding to the loss of important farmland in San Joaquin County. Loss of production from these lands could have an adverse effect on the overall agricultural economy.**

Lodi has determined that, even with mitigation, these impact remains *significant and unavoidable*. Additionally Lodi has examined a reasonable range of alternatives to the Project. Based on this examination, Lodi has determined that none of these alternatives satisfies the following three criteria: (1) clearly meets project objectives, (2) is clearly environmentally preferable to the Proposed Project, and (3) is economically feasible.

As a result, to approve the Project, Lodi is to adopt this Statement of Overriding Considerations pursuant to Public Resources Code section 21081(b) and CEQA Guidelines sections 15043 and 15093. The Statement of Overriding Considerations allows a lead agency to cite a project's general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been at least substantially mitigated. The statement explains why, in the agency's judgment, the project's benefits outweigh its unavoidable significant effect.

Lodi finds that the Project would have the following benefits:

- Assure that sufficient area for future construction of land disposal and storage facilities are available to serve the long-term future growth of the City of Lodi [the City's 1990 General Plan build out flow is estimated to be approximately 11.6 million gallons per day (MGD)].
- Provide guidance to the San Joaquin County LAFCO for individual proposals involving the City of Lodi and surrounding area special district's jurisdictional changes.

- Encourage efficient provisions of community services and prevent duplication of service delivery.
- Avoid potential future land use conflicts associated with wastewater treatment facilities.
- Increase local control and accountability over decisions affecting the community and its future viability.
- Facilities associated with buildout of the proposed WPCF Sphere of Influence would likely increase habitat quality for common wildlife species. (See DEIR Chapter 4, Impact 4.10.2).
- The proposed WPCF Sphere of Influence Planning Designation would result in habitat protection for special-status species. (See DEIR Chapter 4, Impact 4.10.4).

Lodi finds that the Project's significant and unavoidable impacts are acceptable in light of the benefits of the Project, that the benefits of the Project outweigh and override the significant and unavoidable impacts of the Project, and Lodi hereby adopts and makes this Statement of Overriding Considerations.

10. INDEPENDENT REVIEW AND ANALYSIS

Under CEQA, the lead agency must circulate draft documents, independently review and consider the EIR, and as part of the certification of an EIR, find that the EIR reflects the independent judgment of the lead agency.

Lodi circulated the DEIR, responded to comments to the DEIR, independently reviewed and considered the EIR, and determined that the EIR reflects its independent judgment.